



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

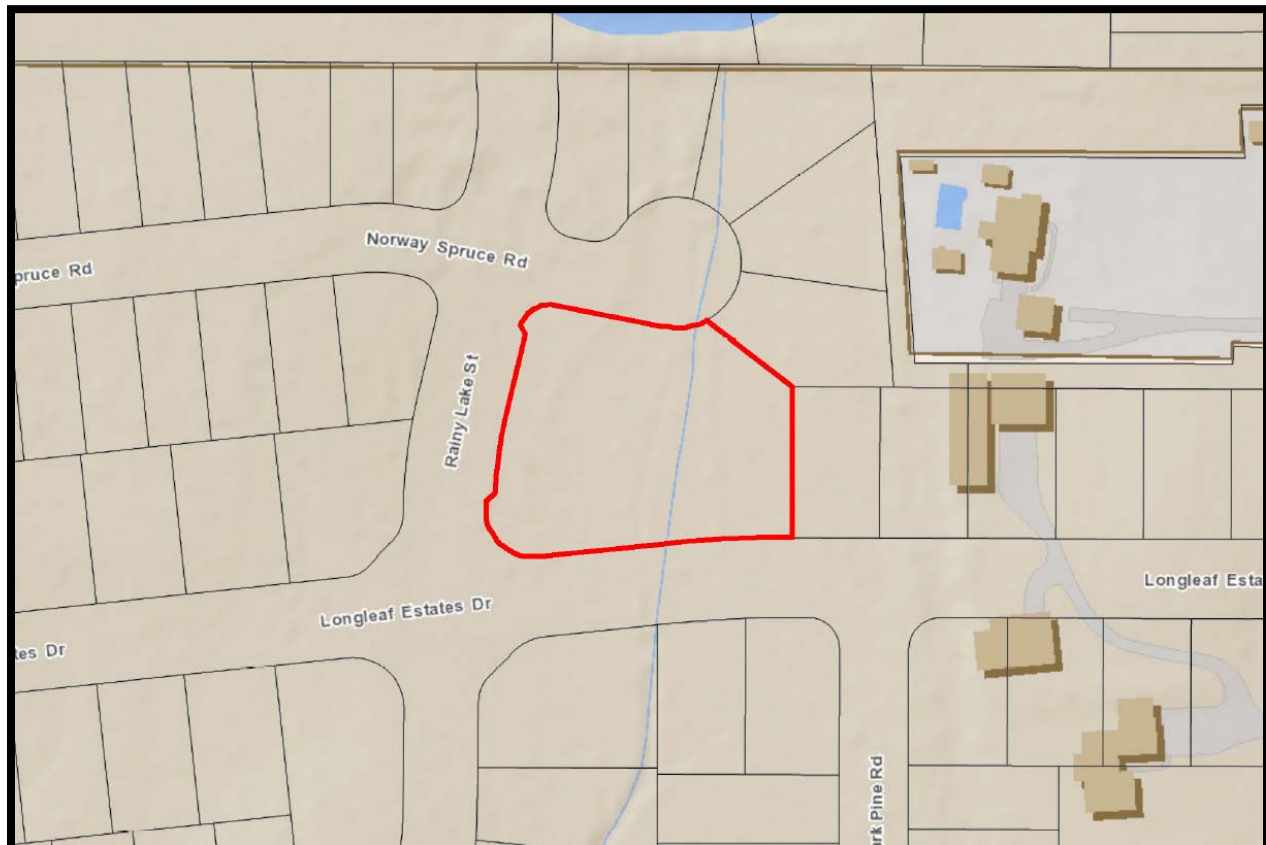
Case File: A-124-17

Property Address: 3500 Norway Spruce Drive

Property Owner: Jen NC 5, LLC

Project Contact: Tommy Craven

Nature of Case: A request for a special use permit to construct a swimming pool that exceeds a linear dimension of 65' and an area of 4000 square feet pursuant to Sections 6.7.3.G.5. and 10.2.9. of the Unified Development Ordinance in order to permit a 4,050 square foot pool with a maximum linear dimension of 92' on a 1.1 acre site zoned Residential-4 and located at 3500 Norway Spruce Drive.

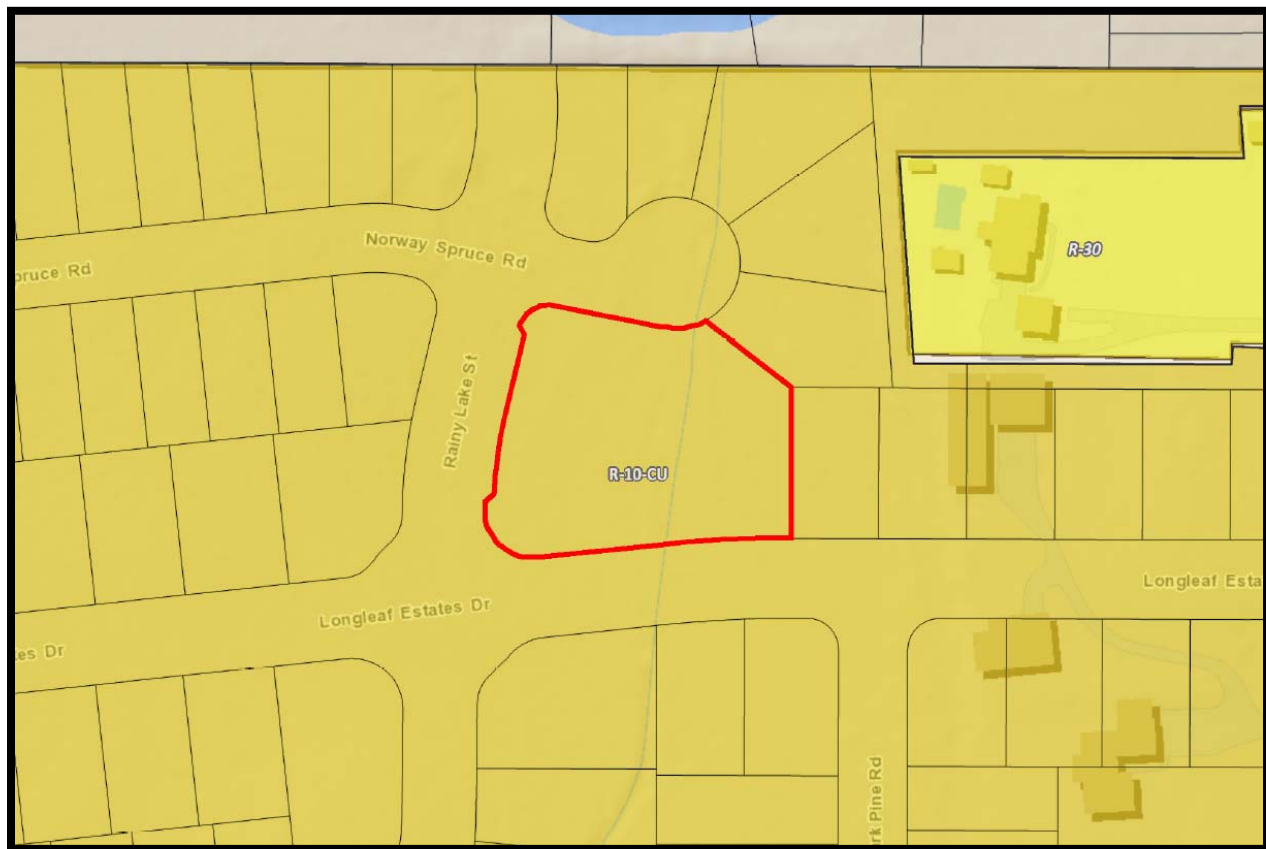


3500 Norway Spruce Drive – Location Map

To BOA: 11-13-17

Staff Coordinator: Eric S. Hodge, AICP

ZONING
DISTRICTS: Residential-4



3500 Norway Spruce Drive – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Zoning District Standards: The subject property is zoned Residential-4

Lot Dimensions

Area (min)	10,000 SF
Width – interior lot (min)	65
Width – corner lot (min)	80'
Depth -	100;'

Yard Type **Minimum Setback (Principal Bldg)**

Primary Street	20'
Side Street	15'
Side	10'
Sum of Sides	20'
Rear	30'

Yard Type **Minimum Setback (Accessory)**

Primary Street	50'
Side Street	20'
Side	5'
Rear	5'

Special Use Permit Application



RALEIGH
DEPARTMENT OF
CITY PLANNING



For Submittal or Data

Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Nature of request (Submit addendum on separate sheet, if more space is needed.) We are requesting a special use permit for a pool that exceeds a linear dimension of 65 feet and an area of 4500 ⁴⁰⁰⁰ square feet.	OFFICE USE ONLY
	Transaction Number A-124-17
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous special use permit request, provide the case number.	

GENERAL INFORMATION		
Property Address 3500 Norway Spruce Drive, Raleigh, NC		Date 10/10/2017
Property PIN 1748541182	Current Zoning Residential 4	
Nearest Intersection Forestville Rd and Longleaf Estates Dr	Property size (in acres) 1.1	
Property Owner Jen NC 5, LLC	Phone 704 995-4981	Fax
Owner's Mailing Address 680 5th Ave., 25th Floor, New York, NY 10019		
Email bdaleure@avantgarderec.com		
Project Contact Person Tommy Craven	Phone 919 781-0300	Fax 919 782-1288
Contact's Mailing Address Priest, Craven & Associates, Inc., 3803-B Computer Dr, Raleigh, NC 27609		
Email tcraven@priestcraven.com		
Property Owner Signature <i>William D. Daleure II, MANAGER</i>		
Notary Sworn and subscribed before me this <u>10</u> day of <u>October</u> , 20 <u>17</u>	Notary Signature and Seal <div style="border: 1px solid black; padding: 5px; text-align: center;"> MARY ANN WEAVER NOTARY PUBLIC Granville County North Carolina My Commission Expires October 25, 2017 </div> <i>Mary Ann Weaver</i>	

It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request. A Special Use Permit Application will not be considered complete until all required submittal components listed on the Special Use Permit Checklist have been received and approved.

JEN North Carolina 5 LLC

RESOLUTIONS

WHEREAS, the Manager of JEN North Carolina 5 LLC, a North Carolina limited liability company (the "Company") is JEN IV GP LLC, a Delaware limited liability company, and this certification of the Resolutions set forth hereafter is signed by Ethan Leibowitz as Manager of JEN IV GP LLC, in its capacity as Manager of the Company.

THEREFORE, the undersigned, do hereby consent to, ratify, adopt and certify for the records of the Company, the following as the actions of the Company:

RESOLVED, that the Company desires to acquire certain real property located in Wake, North Carolina, known as Longleaf Estates, and proceed with the development and sale of lots within the Property; and

RESOLVED, that William Daleure is hereby authorized to execute the necessary documents on behalf of the Company to finance, acquire, sell, develop and entitle the property and otherwise accomplish the aforementioned desires, including, but not limited to, the execution of Contracts, Assignments, Option Agreements, Construction Agreements and other closing documents for said transaction, and to otherwise take appropriate action in order to close the transaction and fulfill the obligations of the Company pursuant to such documents.

IN WITNESS WHEREOF, the undersigned have executed and delivered these Resolutions as of September 1, 2015.

JEN North Carolina 5 LLC

A North Carolina limited liability company

By: JEN IV GP, LLC, a Delaware limited liability company, its Manager

By: Jen Partners LLC, a Delaware limited liability company, its Sole and Managing Manager

By: 
Name: Ethan Leibowitz
Title: Authorized Signatory

Showings

1. The proposed use complies with all applicable provisions of this UDO unless otherwise expressly modified in accordance with this UDO;

The proposed Recreational Use Related to a Residential Development will comply with all applicable provisions of the UDO. The site was shown on the approved subdivision plans, the concurrent review, and the record plat for the Longleaf Estates Subdivision. A building permit will be required before construction of the recreational facility can begin which will further insure compliance with the applicable provisions of the UDO.

2. The proposed use is allowed as a special use in the respective zoning district;

Recreational Use Related to a Residential Development is an allowed accessory use in the R-4 residential district in accordance with Section 6.7.3.G of the UDO. G.5. stipulates that any pool with any linear dimension greater than 65 feet or with any area in excess of 4,000 square feet must be approved as a special use permit in accordance with Sec. 10.2.9. We are requesting the special use permit in order to provide a nicer and more appropriate amenity for the neighborhood.

3. The proposed use complies with any specific use standard listed in Chapter 6. Use Regulations without the granting of any variance to the specific use standard;

The proposed Recreational Use Related to a Residential Development does not require the granting of any variance to the specific use standard.

4. The proposed use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics;

The proposed Recreational Use Related to a Residential Development is compatible with the residential use of the surrounding area. The location is well situated to the proposed neighborhood, and the design puts the pool area closer to the road and further away from the proposed and existing homes. The recreational facility will be constructed by the developer of the subdivision and then turned over to the Longleaf Estates Homeowners Association for their continued ownership, operation and maintenance. By the nature of the makeup of the HOA Board, they will be inherently

concerned about, and in control of, the hours of operation and operating characteristics of the amenity.

5. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset or the special use is denied,

The proposed Recreational Use Related to a Residential Development is intended to enhance and improve the standard of living in the neighborhood. It has minimal negative impacts and those have been addressed through location; good vehicular and pedestrian access, adequate parking, and landscaping. Any incremental negative impact caused by the larger pool allowed with the special use permit as opposed to the smaller pool that could be built by right with no special use permit requirement is negligible.

6. Access with respect to pedestrian, bicycle and automotive safety, traffic flow and emergency service is adequate;

The roads are all appropriately sized in accordance with UDO requirements for the subdivision. Sidewalks will be installed on both sides of the streets within the subdivision. Automobile and bicycle parking are provided in accordance with the appropriate requirements. The facility is bounded on three sides by public streets providing good access for emergency service vehicles.

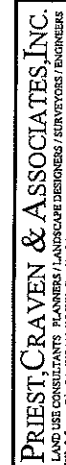
7. Signage is suitable and appropriate;

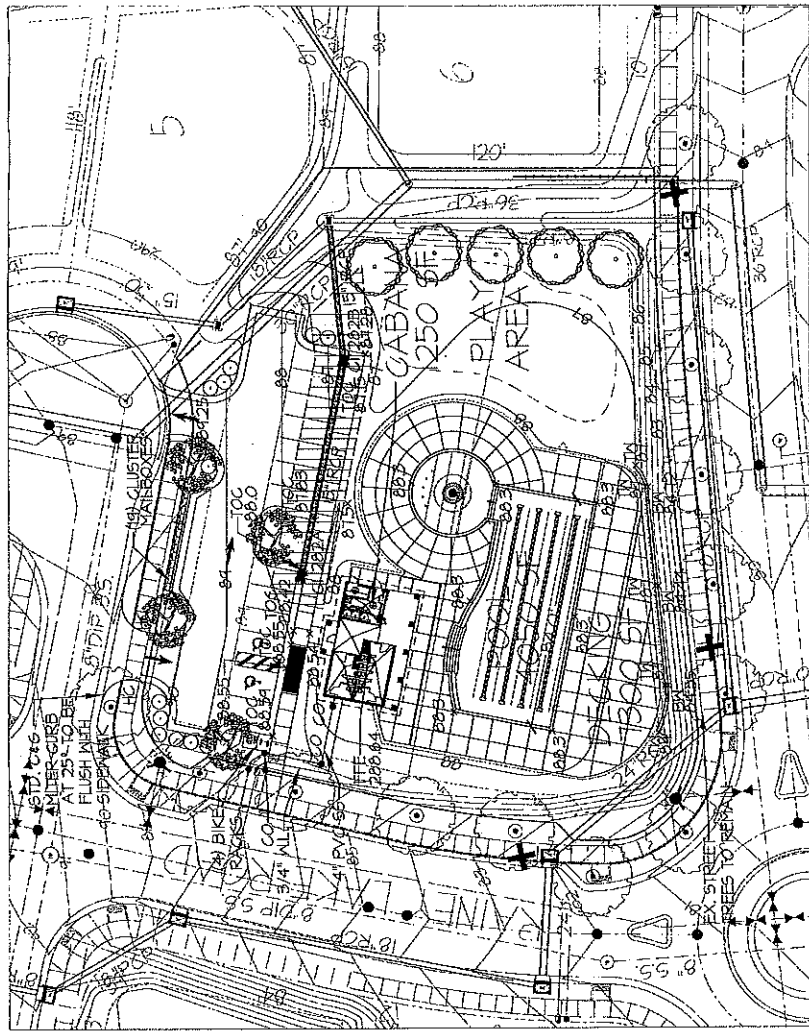
At this point in time signage for the facility is still being considered. Whatever signage is to be installed will be in accordance with the provisions of the UDO. It should also be noted that the signage would be the same for this facility as it would be for a smaller pool that did not need a special use permit.

8. Any appropriate dedications of streets and utilities to the public will be made prior to the issuance of a building permit.

All dedications of streets and utilities have been made with the recording of the record plat for the subdivision. All necessary infrastructure has either been installed or will be

installed by the developer of the subdivision. Financial sureties have been posted with the City for any infrastructure that has not been installed to date.





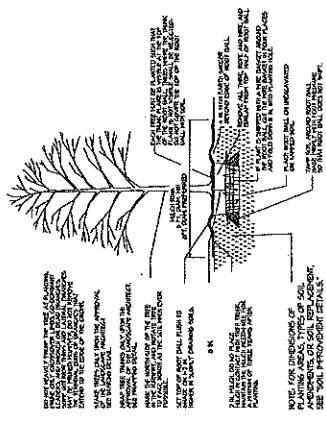
LANDSCAPE CALCULATIONS:

VEHICULAR SURFACE AREAS:	
TOTAL AREA REQUIRED	6,581 / 2,200
TOTAL AREA PROVIDED	6,581 / 2,200
TOTAL AREA DEFICIT	0
TOTAL AREA SURPLUS	0

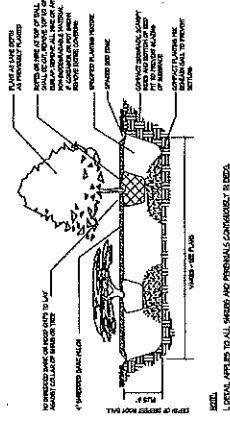
NOTES: 1. ALL PLANTINGS SHALL BE PROVIDED FOR ALL VEHICULAR SURFACES, EXCEPT WHERE SHOWN OTHERWISE. 2. ALL PLANTINGS SHALL BE PROVIDED FOR ALL VEHICULAR SURFACES, EXCEPT WHERE SHOWN OTHERWISE. 3. ALL PLANTINGS SHALL BE PROVIDED FOR ALL VEHICULAR SURFACES, EXCEPT WHERE SHOWN OTHERWISE.

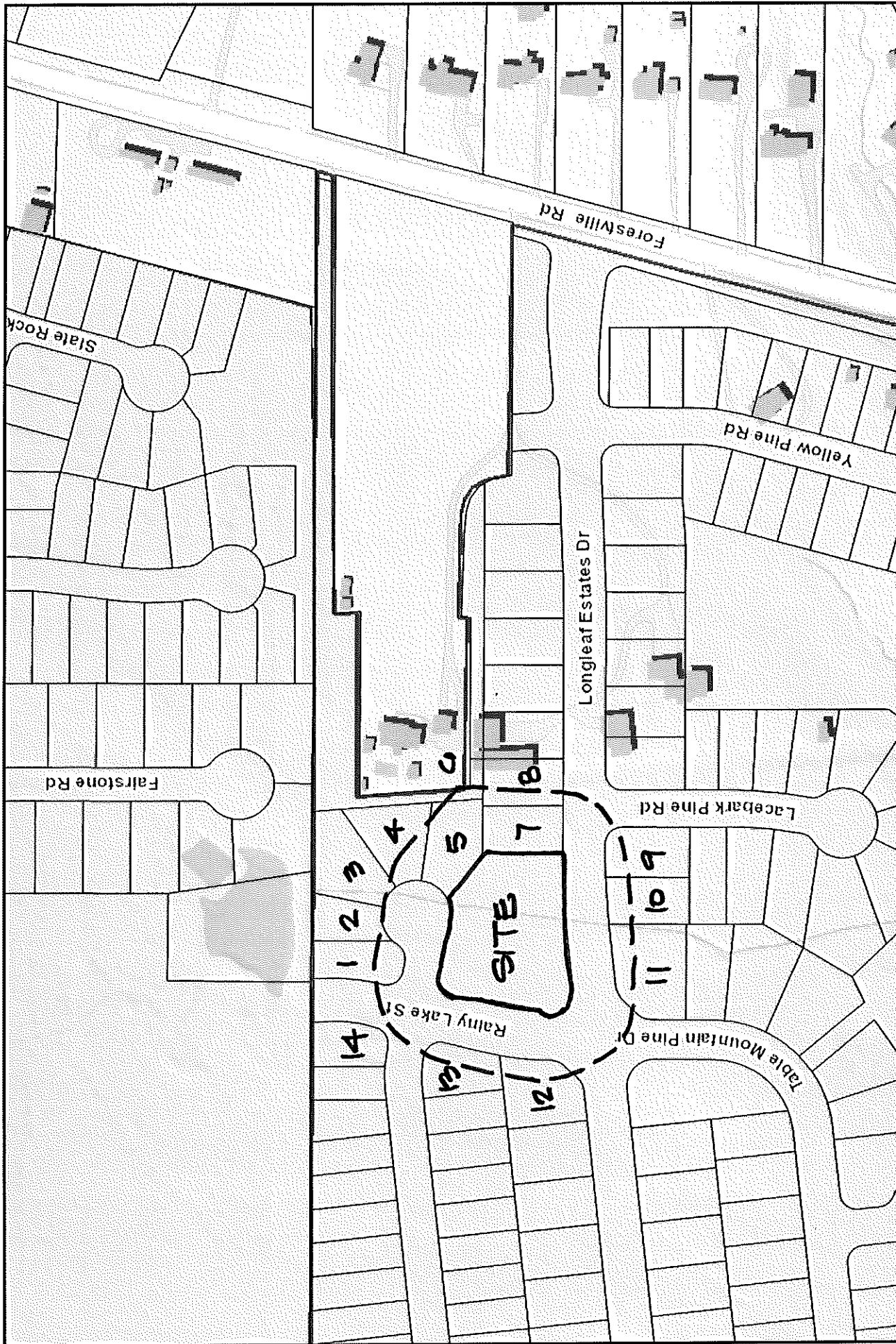
- TREE PLACEMENT REQUIREMENTS**
1. ALL TREES SHALL BE PLANTED AT A MINIMUM OF 10 FEET FROM THE CURB OR EDGE OF STREET PAVEMENT AND DRIVEWAYS.
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TREE PLANTING DETAIL - B.B. TREES IN ALL SOIL TYPES

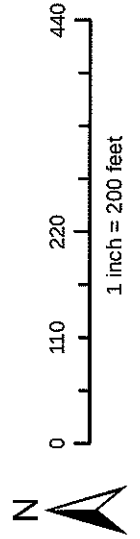


TYPICAL SHRUB PLANTING DETAIL





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 Maps make every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



**LONGLEAF ESTATES REC CTR
 ADJACENT PROPERTIES**

**Longleaf Rec Center
List of Adjacent Property Owners**

1	1748541345	JEN NORTH CAROLINA 5	680 5TH AVE FL 25	NEW YORK NY 10019-5431
2	1748542307	JEN NORTH CAROLINA 5	680 5TH AVE FL 25	NEW YORK NY 10019-5431
3	1748542387	JEN NORTH CAROLINA 5	680 5TH AVE FL 25	NEW YORK NY 10019-5431
4	1748543320	JEN NORTH CAROLINA 5	680 5TH AVE FL 25	NEW YORK NY 10019-5431
5	1748543211	JEN NORTH CAROLINA 5	680 5TH AVE FL 25	NEW YORK NY 10019-5431
6	1748548289	HEBERT, JOHN T	2608 FORESTVILLE RD	WAKE FOREST NC 27587-8140
7	1748543131	JEN NORTH CAROLINA 5	680 5TH AVE FL 25	NEW YORK NY 10019-5431
8	1748544100	CALATLANTIC GROUP, INC	1100 PERIMETER PARK DR STE 112	MORRISVILLE NC 27560-9119
9	1748533902	CALATLANTIC GROUP, INC	1100 PERIMETER PARK DR STE 112	MORRISVILLE NC 27560-9119
10	1748532932	CALATLANTIC GROUP, INC	1100 PERIMETER PARK DR STE 112	MORRISVILLE NC 27560-9119
11	1748531921	CALATLANTIC GROUP, INC	1100 PERIMETER PARK DR STE 112	MORRISVILLE NC 27560-9119
12	1748449048	JEN NORTH CAROLINA 5	680 5TH AVE FL 25	NEW YORK NY 10019-5431
13	1748449270	JEN NORTH CAROLINA 5	680 5TH AVE FL 25	NEW YORK NY 10019-5431
14	1748540317	JEN NORTH CAROLINA 5	680 5TH AVE FL 25	NEW YORK NY 10019-5431

